

219.

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRWP-11967-2021

Date of Decision: 18.02.2022

(Heard through VC)

JAMAT ALI

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Aman Deep Saini, Advocate,
for the petitioner.

Mr. A.S.Gill, Senior DAG, Punjab.

None for the detenue.

JAISHREE THAKUR.J (Oral)

This is a criminal writ petition that has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing respondents No.1 to 3 to search and release the detenue, namely, Khurshed, aged 19 years, daughter of the petitioner herein, from the illegal confinement of private respondents and their associates, and produce her before the Court. Prayer had also been made to appoint a Warrant Officer to search the residence of respondent No.4.

Brief facts of the case are that the petitioner, who belongs to Gujjar community and does the business of selling milk, recorded a statement in the Police Station, Behram on 20.11.2021 that he had two

daughters and two sons. His elder daughter is Khurshed, aged 19 years. The dera of respondent No.4-Sapa is situated nearer to the dera of the petitioner. They have frequent visiting terms to the dera of each other. On 17.11.2021, his daughter, namely, Khurshed had gone for grazing cattle, but did not return till evening. The petitioner came to know that respondent No.4 is also not available in his house and he had confined daughter of the petitioner at some unknown place. After recording the statement of the petitioner, an FIR No.83, dated 20.11.2021 was registered under Section 346 IPC at Police Station Behram, District SBS Nagar, against respondent No.4. In this regard, petitioner also made a representation to the Senior Superintendent of Police, Saheed Bhagat Singh Nagar, but no action has been taken thereon.

Notice of motion was issued in the case on 20.12.2021 and the State sought time to file reply. On the adjourned date, all parties to the litigation were asked to put in appearance before the Mediation and Conciliation Centre of this Court.

The report of the Mediator dated 15.02.2022 has been received wherein it has been stated that despite best efforts, no settlement could be arrived at between the parties.

Status report by way of affidavit of Gurpreet Singh, PPS, Deputy Superintendent of Police, Sub Division Banga, Shaheed Bhagat Singh Nagar, has also been filed, on behalf of respondents No.1 to 3, which is taken on record. As per the reply, the police have recovered the daughter of the petitioner on 11.01.2022, and recorded her statement before the Investigating Officer to the effect that after she had attained the age of majority, she has performed marriage with respondent No.4. She reiterated

her statement recorded under Section 164 Cr.P.C. while she was produced before the Judicial Magistrate Ist Class. Accordingly, a cancellation report has been prepared and would be presented before the court.

I have heard learned counsel for the petitioner as well as the learned State counsel and also perused the reply of the State.

Keeping in view the statement of the alleged detainee, Khurshed, daughter of the petitioner herein, that she has married with respondent No.4 (without the consent of her parents), nothing survives in the present petition as the alleged detainee is competent to take an independent decision at her own, being a major.

The present petition stands disposed of with the above observations.

(JAISHREE THAKUR)
JUDGE

18.02.2022

sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No